

# **State of Alaska FY2010 Governor's Operating Budget**

## **Department of Health and Social Services Hearings and Appeals Component Budget Summary**

**Component: Hearings and Appeals**

**Contribution to Department's Mission**

The Office of Hearings and Appeals provides statutorily required hearings for health care facility appeals of Medicaid payment rates, as well as client appeals of Medicaid and Public Assistance.

**Core Services**

- This Office is responsible for adjudicating disputes between health care providers or other entities and the Department concerning rates, audit findings, and certificates of need. Formal hearings governed by the Administrative Procedure Act, AS 44.62.990, are conducted by Hearing Officers/Examiners who are attorneys. Afterwards, a proposed decision is submitted to the Commissioner and his/her decision is the final administrative action. The decision may be appealed to state Superior Court.
- Hearing Officers also conduct impartial administrative hearings and issue decisions required by state and/or federal statutes and regulations on public assistance fraud and more than 30 Department programs, including but not limited to: Adult Public Assistance, Temporary Assistance to Needy Families (TANF), Food Stamps, Medicaid, General Relief, Criminal Registry, and Child Care and Energy Assistance. Ultimately, the Hearing Officer's decision may be appealed to state Superior Court.
- Appeals from adults who are denied employment, volunteer opportunities or residence in child care facilities pursuant to 4 AAC 62.210.
- Appeals from providers or applicants denied participation in the child care assistance program pursuant to 4 AAC 65.185.
- Appeals of Medicaid providers on audit findings issued pursuant to AS 47.05.200.
- Food Stamp Intentional Program Violation hearings pursuant to 7 CFR 273.16.
- Appeals from applicants that are denied certification as Emergency Medical Technicians pursuant to 7 AAC 26.950. In addition, the component hears appeals from Emergency Medical Technicians denied recertification or whose certification is suspended or revoked pursuant to that same regulatory provision.

**FY2010 Resources Allocated to Achieve Results**

**FY2010 Component Budget: \$764,200**

**Personnel:**

Full time	4
Part time	1
<b>Total</b>	<b>5</b>

**Key Component Challenges**

Continue to provide quality and impartial hearings and decisions that adhere to due process requirements, despite an increase in hearing requests, a Hearing Officer vacancy and the training of a recently hired Hearing Officer. Two senior Hearing Officers retired in 2007. Continue to improve the quality (clarity, organization, conciseness, accuracy) of the decisions issued. Provide, when requested by the Commissioner's office, mediation services to other Department offices/programs.

**Significant Changes in Results to be Delivered in FY2010**

No significant changes in FY2010.

**Major Component Accomplishments in 2008**

- Received 63 Administrative Disqualification hearing requests, held 42 hearings and issued 46 hearing decisions.
- Conducted a facility enforcement action case and currently have three pending facility Medicaid rate appeals.
- An appeal from a grant denial was assigned by the Commissioner. This appeal was scheduled for hearing but resolved beforehand through mediation. The mediation services were provided by a Hearing Officer who was certified as a mediator by the National Judicial College.

### Statutory and Regulatory Authority

#### Alaska Statutes:

AS 18.08.080 Emergency Medical Services  
AS 47.05.200 Annual audits  
AS 47.07 Medical Assistance for Needy Persons  
AS 47.08 Assistance for Catastrophic Illness and Chronic or Acute Medical Conditions  
AS 47.25.001-.095 Day Care Assistance and Child Care Grants  
AS 47.25.120 -.300 General Relief Assistance  
AS 47.25.430 -.615 Adult Public Assistance  
AS 47.25.975 -.990 Food Stamp Program  
AS 47.27 Alaska Temporary Assistance Program

#### Social Security Act:

Title XVII Medicare  
Title XIX Medicaid  
Title XXI Children's Health Insurance Program

#### Alaska Administrative Code

7 AAC 26.950-960 Emergency Medical Technicians - Grounds to suspend, revoke, or deny certification or recertification  
7 AAC 43 Medicaid  
7 AAC 48 Chronic and Acute Medical Assistance  
7 AAC 100 Medicaid Assistance Eligibility

#### Code of Federal Regulations:

Title 42 CFR Part 400 to End  
Title 45 CFR Part 200 to End  
Title 7 CFR Part 270 to End  
Title 7 CFR Part 273.15  
Title 7 CFR Part 273.16

Contact Information
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**Hearings and Appeals  
Component Financial Summary**

*All dollars shown in thousands*

	FY2008 Actuals	FY2009 Management Plan	FY2010 Governor
<b>Non-Formula Program:</b>			
<b>Component Expenditures:</b>			
71000 Personal Services	249.1	465.6	479.4
72000 Travel	3.5	10.7	10.7
73000 Services	250.9	264.7	264.7
74000 Commodities	6.1	9.4	9.4
75000 Capital Outlay	0.0	0.0	0.0
77000 Grants, Benefits	0.0	0.0	0.0
78000 Miscellaneous	0.0	0.0	0.0
<b>Expenditure Totals</b>	<b>509.6</b>	<b>750.4</b>	<b>764.2</b>
<b>Funding Sources:</b>			
1002 Federal Receipts	203.8	170.7	174.0
1003 General Fund Match	305.8	539.2	549.7
1004 General Fund Receipts	0.0	40.5	40.5
<b>Funding Totals</b>	<b>509.6</b>	<b>750.4</b>	<b>764.2</b>

**Estimated Revenue Collections**

Description	Master Revenue Account	FY2008 Actuals	FY2009 Management Plan	FY2010 Governor
<b>Unrestricted Revenues</b>				
None.		0.0	0.0	0.0
<b>Unrestricted Total</b>		<b>0.0</b>	<b>0.0</b>	<b>0.0</b>
<b>Restricted Revenues</b>				
Federal Receipts	51010	203.8	170.7	174.0
<b>Restricted Total</b>		<b>203.8</b>	<b>170.7</b>	<b>174.0</b>
<b>Total Estimated Revenues</b>		<b>203.8</b>	<b>170.7</b>	<b>174.0</b>

**Summary of Component Budget Changes  
From FY2009 Management Plan to FY2010 Governor**

*All dollars shown in thousands*

	<u>General Funds</u>	<u>Federal Funds</u>	<u>Other Funds</u>	<u>Total Funds</u>
<b>FY2009 Management Plan</b>	<b>579.7</b>	<b>170.7</b>	<b>0.0</b>	<b>750.4</b>
<b>Adjustments which will continue current level of service:</b>				
-FY2010 Wage and Health Insurance Increases for Bargaining Units with Existing Agreements	10.5	3.3	0.0	13.8
<b>FY2010 Governor</b>	<b>590.2</b>	<b>174.0</b>	<b>0.0</b>	<b>764.2</b>

**Hearings and Appeals  
Personal Services Information**

<b>Authorized Positions</b>			<b>Personal Services Costs</b>	
	<b>FY2009 Management Plan</b>	<b>FY2010 Governor</b>		
Full-time	4	4	Annual Salaries	309,186
Part-time	1	1	COLA	12,696
Nonpermanent	0	0	Premium Pay	3,144
			Annual Benefits	160,818
			<i>Less 1.33% Vacancy Factor</i>	(6,444)
			Lump Sum Premium Pay	0
<b>Totals</b>	<b>5</b>	<b>5</b>	<b>Total Personal Services</b>	<b>479,400</b>

**Position Classification Summary**

<b>Job Class Title</b>	<b>Anchorage</b>	<b>Fairbanks</b>	<b>Juneau</b>	<b>Others</b>	<b>Total</b>
Hearing Examiner	1	0	0	0	1
Hearing Officer	3	0	0	0	3
Law Office Assistant I	1	0	0	0	1
<b>Totals</b>	<b>5</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>5</b>